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WORKMAN NYDEGGER/MICROSOFT
1000 EAGLE GATE TOWER
60 EAST SOUTH TEMPLE
SALT LAKE CITY, UT 84111

EXAMINER

LEE, TOMMY D

ART UNIT

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/763,098	Applicant(s) BETRISEY ET AL.	
	Examiner Thomas D. Lee	Art Unit 2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1/22/04.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Specification

The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 23 and 24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 23 and 24 are method claims depending from computer program product claim 22. It is unclear whether claims 23 and 24 are meant to be directed to a method or a computer program product.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Art Unit: 2624

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1 and 2 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,738,526 (Betrisey). Although the conflicting claims are not identical, they are not patentably distinct from each other because all of the limitations of application claims 1 and 2 are anticipated by patent claim 1, which recites a method of processing image data for display, the method comprising: generating, from one or more glyphs, a set of alpha values representing the one or more glyphs (Betrisey: column 29, lines 7-8, 11-12); filtering the set of alpha values to generate a set of filtered pixel sub-component alpha values including at least one filtered alpha value for each pixel sub-component used to represent the one or more glyphs (column 29, lines 13-16); and receiving the one or more glyphs, each glyph including a plurality of alpha values (column 29, lines 9-10).

Claim 3 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 2 of U.S. Patent No. 6,738,526 (Betrisey). Although the conflicting claims are not identical, they are not patentably distinct from each other because the limitations of application claim 3 are anticipated by patent claim 2, which recites the glyphs as being character glyphs (column 29, lines 20-21), the method further comprising the steps of: sampling a character source image to generate the alpha values included in each character glyph, each distinct character glyph being generated from a different character source image (column 29, lines 22-25); storing each character glyph including the generated alpha values in a glyph cache

Art Unit: 2624

(column 29, lines 26-27); and outputting from the glyph cache said one or more glyphs (column 29, line 28).

Claim 4 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 4 of U.S. Patent No. 6,738,526 (Betrisey). Although the conflicting claims are not identical, they are not patentably distinct from each other because the limitations of application claim 4 are anticipated by patent claim 4, which recites each character source image including a plurality of source image pixel segments which have an area corresponding proportionately in size to the area of a pixel of a display device used to display the one or more character glyphs, said sampling including the act of sampling each source image pixel segment at a rate which is an integer multiple of the number of pixel sub-components included in each pixel of said display device (column 29, lines 33-40).

Claim 5 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 5 of U.S. Patent No. 6,738,526 (Betrisey). Although the conflicting claims are not identical, they are not patentably distinct from each other because the limitations of application claim 5 are anticipated by patent claim 5, which recites performing a color blending operation using said filtered pixel sub-component alpha values as blend coefficients, using foreground color luminous intensity values, and using background color luminous intensity values, to generate red, green and blue pixel sub-component luminous intensity values (column 29, lines 41-47).

Claim 6 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 7 of U.S. Patent No. 6,738,526 (Betrisey). Although the conflicting claims are not identical, they are not patentably distinct from each other because the limitations of application claim 6 are anticipated by patent claim 7, which recites performing a gamma correction operation on the red, green and blue pixel sub-component luminous intensity values generated by the color blending operation to produce gamma corrected red, green and blue pixel sub-component luminous intensity values (column 29, lines 50-55); and storing the gamma corrected red, green and blue sub-component luminous intensity values in a display buffer (column 29, lines 56-58).

Claims 7-9 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 11 of U.S. Patent No. 6,738,526 (Betrisey). Although the conflicting claims are not identical, they are not patentably distinct from each other because the limitations of application claims 7-9 are anticipated by patent claim 11, which recites a computer program product comprising one or more computer readable media carrying computer executable instructions that implement a method of processing image data for display (column 30, lines 18-21), the method comprising: generating, from the received one or more glyphs, a set of alpha values representing the one or more glyphs (column 29, lines 11-12); filtering the set of alpha values to generate a set of filtered pixel sub-component alpha values including at least one filtered alpha value for each pixel sub-component used to represent the one or more glyphs wherein the one or more glyphs comprise a plurality of glyphs, and wherein

Art Unit: 2624

at least one filtered pixel sub-component alpha value is generated from alpha values included in the set of alpha values corresponding to two different character glyphs, (column 29, lines 13-19); and receiving the one or more glyphs, each glyph including a plurality of alpha values (column 29, lines 9-10).

Claim 10 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 10 of U.S. Patent No. 6,738,526 (Betrisey). Although the conflicting claims are not identical, they are not patentably distinct from each other because the limitations of application claim 10 are anticipated by patent claim 10, which discloses the set of alpha values representing a string of glyphs and includes (i) alpha values from a first glyph corresponding to a first pixel located along a first side of a glyph boundary, and (ii) alpha values from a second glyph corresponding to a second pixel located along a second side of the glyph boundary, and wherein the at least one filtered pixel sub-component generated from alpha values corresponding to two different character glyphs is generated by filtering an alpha value from the first pixel and an alpha value from the second pixel (column 30, lines 7-16). While patent claim 10 is not directed to a computer program product, one of ordinary skill would have recognized that a computer program product stored in a computer readable medium, such as a CD-ROM, computer diskette, etc., is well-known for enabling a computer to perform image processing tasks, in general; and that it would have been obvious for one of ordinary skill to provide for the storage of a computer program for performing the method steps of patent claim 10, so that the method may be

Art Unit: 2624

performed on a computer without the need for specific processing hardware otherwise required to perform the task.

Claim 11 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 12 of U.S. Patent No. 6,738,526 (Betrisey). Although the conflicting claims are not identical, they are not patentably distinct from each other because the limitations of application claim 11 are anticipated by patent claim 12, which recites a system for processing image data (column 30, lines 22-23), the system comprising: means for generating a set of alpha values from one or more glyphs, each glyph including a plurality of alpha values (column 30, lines 24-26); and means for filtering the set of alpha values to generate a set of filtered pixel sub-component alpha values including at least one filtered alpha value for each pixel sub-component used to represent the one or more glyphs (column 30, lines 27-30).

Claim 12 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 14 of U.S. Patent No. 6,738,526 (Betrisey). Although the conflicting claims are not identical, they are not patentably distinct from each other because the limitations of application claim 12 are anticipated by patent claim 14, which recites a glyph cache for storing said one or more glyphs, each glyph including a number of alpha values, the number of alpha values included in each glyph being greater than the number of pixels used to display the glyph, an output of the glyph cache being coupled to the means for generating a set of alpha values from the one or more glyphs (column 30, lines 35-43).

Claim 13 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 15 of U.S. Patent No. 6,738,526 (Betrisey). Although the conflicting claims are not identical, they are not patentably distinct from each other because the limitations of application claim 13 are anticipated by patent claim 15, which recites means for performing a color blending operation using the filtered pixel sub-component alpha values, foreground color information and background color information to generate pixel sub-component luminous intensity values (column 30, lines 43-49).

Claim 14 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 16 of U.S. Patent No. 6,738,526 (Betrisey). Although the conflicting claims are not identical, they are not patentably distinct from each other because the limitations of application claim 14 are anticipated by patent claim 16, which recites means for performing a gamma correction operation on the generated pixel sub-component luminous intensity values to generate gamma corrected pixel sub-component luminous intensity values (column 30, lines 50-54).

Claims 15, 16, 21 and 22 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 45 of U.S. Patent No. 6,738,526 (Betrisey). Although the conflicting claims are not identical, they are not patentably distinct from each other because the limitations of application claims 15, 16, 21 and 22 are anticipated by patent claim 45, which recites a method of processing image data (column 35, line 33) comprising: sampling an image to generate a plurality of alpha values (column 35, line 34); filtering the alpha values to generate multiple

Art Unit: 2624

filtered alpha values per pixel (column 35, lines 35-36); and storing the filtered alpha values in a glyph cache as part of a character glyph (column 35, lines 38-39). While patent claim 45 is not directed to a computer program product, one of ordinary skill would have recognized that a computer program product stored in a computer readable medium, such as a CD-ROM, computer diskette, etc., is well-known for enabling a computer to perform image processing tasks, in general; and that it would have been obvious for one of ordinary skill to provide for the storage of a computer program for performing the method steps of patent claim 45, so that the method may be performed on a computer without the need for specific processing hardware otherwise required to perform the task.

Claim 17 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 48 of U.S. Patent No. 6,738,526 (Betrisey). Although the conflicting claims are not identical, they are not patentably distinct from each other because the limitations of application claim 17 are anticipated by patent claim 48, which recites the step of storing the alpha values in the glyph cache including the step of: compressing the multiple filtered alpha values generated for each pixel into a single compressed value (column 35, lines 49-52); and storing the single compressed value generated for each pixel in the glyph cache (column 35, lines 53-54).

Claim 18 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 50 of U.S. Patent No. 6,738,526 (Betrisey). Although the conflicting claims are not identical, they are not patentably

Art Unit: 2624

distinct from each other because the limitations of application claim 18 are anticipated by patent claim 50, which recites receiving at least two character glyphs from the glyph cache (column 36, line 6); and combining the character glyphs to form multi-glyph images (column 36, lines 7-9), the step of combining the character glyphs including the step of: processing multiple filtered alpha values corresponding to the same pixel sub-component of the multi-glyph image, to generate one filtered alpha value per pixel sub-component of the multi-glyph image, said multiple filtered alpha values corresponding to the same pixel sub-component resulting from overlapping glyph edges (column 36, lines 10-16).

Claim 19 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 54 of U.S. Patent No. 6,738,526 (Betrisey). Although the conflicting claims are not identical, they are not patentably distinct from each other because the limitations of application claim 19 are anticipated by patent claim 54, which recites a method of processing image data (column 36, lines 23-24 (note that patent claim 54 depends from patent claim 52, and thus includes all of the limitations thereof)), comprising: sampling an image to generate a plurality of alpha values (column 36, line 25); and filtering the alpha values to generate multiple filtered alpha values per pixel (column 36, lines 29-30), wherein a pixel includes a red, a green and a blue pixel sub-component, and wherein the filtering produces a red, a green and a blue filtered pixel sub-component alpha value for each alpha value for each alpha value used to represent said image (column 36, lines 35-41).

Claim 20 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 46 of U.S. Patent No. 6,738,526 (Betrisey). Although the conflicting claims are not identical, they are not patentably distinct from each other because the limitations of application claim 20 are anticipated by patent claim 46, which recites the filtering step including: generating each filtered alpha value, from multiple alpha values generated by said sampling, one filtered alpha value being generated for each pixel sub-component of a pixel (column 35, lines 40-45).

Claim 23 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 48 of U.S. Patent No. 6,738,526 (Betrisey). Although the conflicting claims are not identical, they are not patentably distinct from each other because the limitations of application claim 23 are anticipated by patent claim 48, which recites the step of storing the alpha values in the glyph cache including the step of: compressing the multiple filtered alpha values generated for each pixel into a single compressed value (column 35, lines 49-52); and storing the single compressed value generated for each pixel in the glyph cache (column 35, lines 53-54). While patent claim 48 is not directed to a computer program product (application claim 23 assumed to be directed to a computer program product, as depending from computer program product claim 22), one of ordinary skill would have recognized that a computer program product stored in a computer readable medium, such as a CD-ROM, computer diskette, etc., is well-known for enabling a computer to perform image processing tasks, in general; and that it would have been obvious for one of ordinary skill to provide for the storage of a computer program for performing the method steps

Art Unit: 2624

of patent claim 48, so that the method may be performed on a computer without the need for specific processing hardware otherwise required to perform the task.

Claim 24 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 50 of U.S. Patent No. 6,738,526 (Betrisey). Although the conflicting claims are not identical, they are not patentably distinct from each other because the limitations of application claim 24 are anticipated by patent claim 50, which recites receiving at least two character glyphs from the glyph cache (column 36, line 6); and combining the character glyphs to form multi-glyph images (column 36, lines 7-9), the step of combining the character glyphs including the step of: processing multiple filtered alpha values corresponding to the same pixel sub-component of the multi-glyph image, said multiple alpha values corresponding to the same pixel sub-component resulting from overlapping glyph edges (column 36, lines 10-16) While patent claim 50 is not directed to a computer program product (application claim 24 assumed to be directed to a computer program product, as depending from computer program product claim 22), one of ordinary skill would have recognized that a computer program product stored in a computer readable medium, such as a CD-ROM, computer diskette, etc., is well-known for enabling a computer to perform image processing tasks, in general; and that it would have been obvious for one of ordinary skill to provide for the storage of a computer program for performing the method steps of patent claim 50, so that the method may be performed on a computer without the need for specific processing hardware otherwise required to perform the task.

Art Unit: 2624

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas D. Lee whose telephone number is (571) 272-7436. The examiner can normally be reached on Monday through Friday, 7:30-5:00, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on (571) 272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



tdl
November 9, 2005

THOMAS D.
~~LEE~~ LEE
PRIMARY EXAMINER